

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

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|---------------------------|---|------------------------------|
| United States of America, |) | CRIMINAL NO. 3:15cr00163-CMC |
| |) | |
| v. |) | OPINION and ORDER |
| |) | |
| Neal Dennis, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the court on Defendant's motion to reconsider his sentence. ECF No. 60. The sentence was orally announced and set forth in the Judgment on February 4, 2016. ECF No. 56.

Rule 35(a) of the Federal Rules of Criminal Procedure permits a court to "correct a sentence that resulted from arithmetical, technical, or other clear error" within fourteen days after the oral announcement of the sentence. See Rules 35(a) and (c), Fed.R.Crim.P. This motion is timely filed; however, the permitted reasons for modifying a sentence after its imposition do not apply in this case. There is no arithmetical, technical, or other clear error to correct, as the court fully considered Defendant's business responsibilities and family ties, as discussed at sentencing and in the Motion to Reconsider, at the time of the sentencing. The court denied Defendant's motion for variance and concluded that a guideline sentence was warranted. Because Defendant's guideline range fell within Zone C of the Sentencing Table, he was subject to a custodial sentence and ineligible for probation. Defendant received the minimum guideline sentence, a "split sentence" of six (6) months imprisonment followed by six (6) months home detention with location monitoring.

While the court will not disturb the sentence as set forth in the Judgment, the court understands that Defendant may be considered for home confinement by the Bureau of Prisons. The court has no objection to Defendant being placed on home confinement; however, the Bureau of Prisons must make that determination in accordance with its own policies and regulations.

Therefore, the court **denies** Defendant's motion to reconsider sentencing.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
February 16, 2016